

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BRIAN EDWARD MAHONEY,

Plaintiff,

v.

COMMISSIONER CAROLYN W. COLVIN,  
SOCIAL SECURITY ADMINISTRATION,

Defendant.

Civil No. 1:15-cv-13023-NMG

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PLAINTIFFS' OPPOSITION TO DISMISS  
DEFAULT JUDGMENT AND I APPEAL TO  
U.S. DISTRICT JUDGE NATHANIEL M. GORTON  
BASED OF MAGISTRATE JUDGE BOAL'S  
ERRONEOUS' REPORT AND RECOMMENDATION

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NOW COMES, the Plaintiff Brian E. Mahoney, and files this,  
his Motion To Appeal to U.S. District Judge Nathaniel M. Gorton,  
and I would respectfully show this Honorable Court as Follows:

PROCEDURAL HISTORY  
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On July 8, 2016, United States Magistrate Judge Jennifer C. Boal, again miscalculated in document on June 21, 2016 document No. 46, stating that document [44] was miscalculated, and Judge Boal again miscalculated document no. 50. In document No. [44] Judge Boal clearly stated that. because defendant Colvin filed a respond on May 26, 2016 they were within 60 days. However, Judge Boal stated that March 28, 2016 till May 27, 2016 is within 60 days, in fact it is exactly 61 days.

AUSA Anita Johnson BBO No. 565540, filed her Notice of Appearance on May 26, 2016, pursuant to L.R. 83.5.2 on the 60 day. Judge Boal stated that AUSA Johnson filed her responsive brief of May 26, 2016, when it was in fact filed on 5/27/2016.

(1)

*Treated as an objection to the magistrate judge's  
ruling entered 7/8/16 (Docket No. 50), objection overruled and  
appeal dismissed pursuant to 28 U.S.C. § 636(b) and  
Fed.R.Civ.P. 72(b)(3). S/M Gorton, USDT 4/12/17*